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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 ADAN JOE NIETO,

10  
11 Petitioner,

12 v.

13 JEFFREY UTTECHT,

14 Respondent.

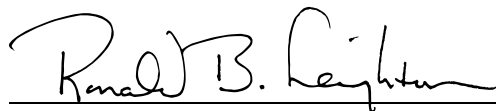
No. C09-5250 RBL/KLS

ORDER ADOPTING REPORT AND  
RECOMMENDATION

15 The Court, having reviewed the petition for writ of habeas corpus, the response, the  
16 Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report  
17 and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- 18  
19 (1) The Court adopts the Report and Recommendation;  
20 (2) Petitioner's writ of habeas corpus (Dkts. 4 and 10) is **DENIED** and this action is  
21 **DISMISSED WITH PREJUDICE**; and  
22 (3) The Clerk is directed to send copies of this Order to Petitioner, counsel for  
23 Respondent and to the Hon. Karen L. Strombom.

24 DATED this 23<sup>rd</sup> day of October, 2009.

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26 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE